

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUMEN VIEW TECHNOLOGY LLC,

Plaintiff,

v.

FINDTHEBEST.COM, INC.,

Defendant.

No. 13 CV 3599

ECF CASE

**SECOND DECLARATION OF JOSEPH S. LEVENTHAL IN SUPPORT OF
FINDTHEBEST.COM, INC.'S SUBMISSION AS TO
THE AMOUNT OF ATTORNEYS' FEES AND COSTS TO BE AWARDED**

I, Joseph S. Leventhal, declare:

1. I am an attorney with the law firm of The Leventhal Law Firm, APC. I am an attorney licensed to practice law in the State of California and am admitted to practice *pro hac vice* before this Court in the above-captioned matter. I represent Findthebest.com, Inc. ("FTB") in this action. Except as otherwise stated, I have personal firsthand knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. The billing practice for FTB is to maintain a single invoice matter for all activities related to Lumen. In order to identify time spent on each of the patent action, the RICO Action or the State Bar Complaint, attorneys and paralegals identified the matters for which work was performed in the time entry descriptions. For some time entry descriptions, time for multiple matters was included in a single entry. In compiling FTB's fee submission, entries including any

descriptions for time spent on the other, non-patent related matters were excluded in their entirety from the calculations. The excluded entries total more than 310 hours of attorney and paralegal time.

3. After reviewing Lumen's Opposition, four entries including time related to the RICO Action and the State Bar Complaint were identified as mistakenly included in FTB's calculations. These entries are dated 8/8/2013 (JW), 8/15/2013 (JW), 8/23/2013 (JL), and 11/19/2013 (CJ).

4. Attached as **Exhibit 5** is a true and correct copy of the July 2014 invoice containing attorney and paralegal billing entries, cost entries, and cost invoices related to this action.

5. After removing the erroneously included entries referenced in Paragraph 3, *supra*, and adding time incurred in July 2014 as shown in Exhibit 5, Paragraphs 2 and 4 of my previous declaration are revised as indicated by the following emphasis:

Paragraph 2: Total time spent by attorneys and paraprofessionals on this action was 394.10 hours, for a total of \$144,307.00 in fees. Nontaxable costs in this action total \$4,823.51.

Paragraph 4: Joseph Leventhal and Josh Heinlein are partners at Leventhal Law and expended a total of 104.8 hours in this action. Carolyn Juarez and Lindsay Reese are of counsel at Leventhal Law and expended a total of 151.9 hours in this action. Justin Walker and Brian Kaider were associates at Leventhal Law and expended a total of 114 hours in this action. Valerie Ramirez and Danette Reando are paralegals at Leventhal Law and expended a total of 19.1 hours in this action. Patrick Noonan is a law clerk at Leventhal Law and expended a total of .5 hours in this action.

6. Leventhal Law represented Adicio, Inc. (“Adicio”), Advance Magazine Publishers Inc. (“AMP”), and Penton Media, Inc. (“Penton”) in Case No. 13-CV-3386 (the “Adicio Action”). Separate billing records were maintained for the Adicio Action. Time related to defending Adicio, AMP, and Penton was not included in FTB’s invoices. Time was divided between the cases for any work performed in this case that overlapped with the Adicio Action.

Dated: August 8, 2014

Respectfully submitted,

By: /s/ Joseph S. Leventhal

JOSEPH S. LEVENTHAL
THE LEVENTHAL LAW FIRM, APC
600 West Broadway, Suite 700
San Diego, CA 92101
Ph: (619) 356-3518
Fx: (619) 615-2082
jleventhal@leventhallaw.com